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No. 495

In The

Supreme Court of the United States

October Term, 1964

ANTHONY MUTTER,

Appellant,

vs.

STATE OF WISCONSIN,

Appellee.

ON APPEAL FROM THE SUPREME COURT OF THE STATE OF WISCONSIN

RESPONSE OF APPELLEE TO APPELLANT'S BRIEF IN OPPOSITION TO MOTION TO DISMISS

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This response is filed pursuant to oral permission of the Office of the Clerk of this honorable court. On page 3 of his Brief in Opposition to Motion to Dismiss, Appellant states:

> "• • • If equity were to control, it could easily be demonstrated that the counties of Wisconsin, including Vilas County, have yielded up to the state under the Forest Crop Law, in forest mill taxes and severance taxes, far more than they have ever received in state aids."

This is not a matter of record in this case and could not be. The facts are as shown by the records of the State Conservation Commission of Wisconsin that up to the date

of October, 1963, when the previously existing program was terminated by the adoption of the new County Forest Law, Chapter 345, Laws of 1963, which increased county aids and sought to devote the county forests permanently to public use, Vilas County had received a total of $88,752.45 and had repaid the state through severance taxes and allotments $40,011.52, leaving a total indebtedness to the state of $48,740.93.

Further, that in the year 1959 the last time a complete study was made on the subject, for each $1.00 that property owners of Vilas County had contributed to the state under the forestry mill tax, Vilas County had received a total of $5.33 from all state forestry services and aids.

Respectfully submitted,

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Dated this 28th day of October, 1964.